

OFFICE OF THE ATTORNEY GENERAL



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Honorable H. Clemons Roe
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P. O. Box 426
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Pardons and Paroles-County
Commissions

Authority to pardon or parole
a county inmate is vested in
the State Board of Pardons and
Parole.

Dear Mr. Roe:

I have received your letter of February 22, 1979 in which you ask whether County Commissions have the authority to grant early release or pardon or parole to county prisoners, or whether such authority is vested in the State Board of Pardons and Parole.

It is my opinion that the authority to pardon or parole a county inmate is vested solely in the State Board of Pardons and Parole, by virtue Section 15-22-24(a), Code of Alabama 1975, which provides, in part:

"The board of pardons and paroles shall be charged with the duty of determining what prisoners serving sentences in the jails and prisons of the state of Alabama may be released on parole and where and under what conditions."

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Inasmuch as this section pertains to prisoners serving sentences in the jails of Alabama as well as the prisons, it gives the Board authority over both county and state prisoners.

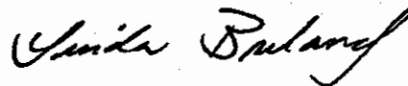
One exception is provided in Act 206, Regular Session 1971, amended Act 383, Regular Session 1976, which authorizes the establishment of a County Pardon and Parole Board in counties having a population of 600,000 or more. Such a board has been established in Jefferson County.

Additionally, the County Commissions may, in some instances, have the authority to release county prisoners early on work release pursuant to Sections 14-8-30, et seq., Code of Alabama 1975. These sections provide that each county may enter a work release program in the county. Under these contracts, county commissions are given the authority to institute procedures for allowing inmates in the county jails to participate in work release programs.

Other than the exceptions noted, I am not aware of any other situation where a county commission has the authority to grant early release to an inmate in the county jail.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



LINDA C. BRELAND
Assistant Attorney General

LCB:bb